

Debra P. Hackett  
Clerk, U.S. District Court  
15 LEE ST STE 206  
MONTGOMERY AL 36104-4055

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August 28, 2008

**Appeal Number: 08-12292-A**

Case Style: Jeffery James Jackson v. Eleanor I. Brooks  
District Court Number: 05-01138 CV-F-N

TO: Debra P. Hackett

CC: Jeffery James Jackson (128248)

CC: Jason Matthew Bledsoe

CC: Cheairs M. Porter

CC: Administrative File

CC: Administrative File

**United States Court of Appeals**

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

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The enclosed certified copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Deborah Owens (404) 335-6180

Encl.

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-12292-A

JEFFERY JAMES JACKSON,

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUG 27 2008
THOMAS K. KAHN CLERK

Plaintiff-Appellant,

versus

ELEANOR I. BROOKS, D.A.,  
WILL POWELL, D.D.A.,

Defendants-Appellees.

Appeal from the United States District Court for the  
Middle District of Alabama

Before : **ANDERSON, BLACK and WILSON, Circuit Judges.**

BY THE COURT:

The appellant, in the district court, filed a notice of appeal and a motion to proceed on appeal in forma pauperis. The district court determined that appellant was indigent and assessed the \$455.00 appellate filing fee pursuant to Prison Litigation Reform Act of 1995 (April 26, 1996); see 28 U.S.C. § 1915 (as amended). The district court then certified that the appeal was frivolous and not taken in good faith.

Because the district court already has determined that appellant is indigent and has instituted

a partial payment plan under 28 U.S.C. § 1915(a) &(b) (as amended), the only remaining question is whether the appeal is frivolous. See 28 U.S.C. § 1915(e)(2)(B). This Court now finds that this appeal is frivolous, DENIES leave to proceed, and DISMISSES the appeal.

A True Copy - Attested  
Clark U.S. Court of Appeals,  
Eleventh Circuit  
By: D. Quisenberry  
Deputy Clerk  
Atlanta, Georgia